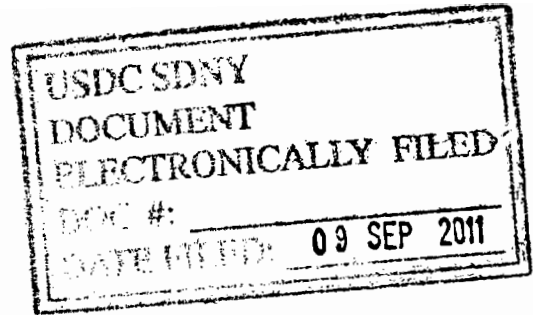


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JASON TORRES,

Plaintiff,

-v-

No. 11 Civ. 1819 (LTS)(GWG)

YONKERS POLICE DEP'T et al.,

Defendants.
-----X

ORDER

Plaintiff Jason Torres ("Plaintiff"), proceeding pro se, brings this action, pursuant to 42 U.S.C. § 1983, alleging that his civil rights were violated by the Yonkers Police Department, one Officer "Bob Doe" and Janet DiFiore. The case was assigned to the undersigned and referred to Magistrate Judge Gabriel W. Gorenstein. Judge Gorenstein issued a Report and Recommendation, dated June 27, 2011 (the "Report"), which recommends that the Complaint should be dismissed, without prejudice, for failure to prosecute. No objection to the Report has been filed.

When reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 2008). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted). The Court

is satisfied that the Report contains no clear error. Accordingly, the Court accepts the Report's recommendation, and the Complaint is hereby dismissed without prejudice to refile the action. The Clerk of Court is hereby requested to enter judgment accordingly and close this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
September 9, 2011

A handwritten signature in black ink, appearing to read 'Laura Taylor Swain', is written over a horizontal line.

LAURA TAYLOR SWAIN
United States District Judge